

BURDICK'S WILL MADE PUBLIC

SURROGATE MARCUS ADMITS IT TO PROBATE.

The Dead Man's Legal Adviser Objects to the Appointment of a Special Guardian for the Children, but the Surrogate Refuses to Set It Aside—Funeral of Mr. and Mrs. Arthur R. Pennell.

BUFFALO, March 13.—E. L. Burdick's will was offered for probate in the Surrogate's Court this morning. Besides the provisions mentioned in THE SUN, the will bequeaths \$1,000 to Burdick's sister, Mrs. Lillian B. Walleit of Canastota, N. Y.; \$1,000 to his mother, Mrs. Harriet P. Burdick of Buffalo, and \$500 to his aunt, Miss Maria P. Lewis of Canastota. All the rest of the property is left to the three Burdick children. At a private hearing before Surrogate Marcus, Hartzell & Hartzell, as attorneys for the widow and the children, filed objections to the probate of the will. Attorney Miller, who was Burdick's legal adviser, objected to the appointment of F. B. Hartzell as special guardian of the children, but the Surrogate informed him that it was only the usual practice of the court. Mr. Miller declared that the case was exceptional.

"Let me hear one substantial reason," said the Surrogate. "If it is a mere matter of sentiment I shall not revoke the appointment."

Mr. Miller admitted that his objection was largely a matter of sentiment, and Surrogate Marcus refused to set Mr. Hartzell's appointment aside. The will was then admitted to probate, with the stipulation that the contest over the guardianship should be determined later. Mrs. Burdick objects to the guardianship because Hartzell's firm was also named as executor. The following is the text of the will:

I, Edwin L. Burdick of Buffalo, do hereby make my last will and testament as follows: First—I direct the payment of all my just debts and funeral expenses.

Second—I give and bequeath to my sister, Mrs. Lillian B. Walleit of Canastota, N. Y., the sum of \$1,000; to my mother, Mrs. Harriet P. Burdick of Buffalo, N. Y., the sum of \$1,000, and to my aunt, Miss Maria P. Lewis of Canastota, N. Y., the sum of \$500.

Third—I give, devise and bequeath all the real, personal and every description, to my three children, Marion Burdick, Carol Burdick and Edwin L. Burdick, to be divided equally between them, share and share alike, and in case either of my said children shall die before me, then the share of the share of her or his dying shall be equally divided between the surviving children, share and share alike.

Fourth—I nominate and appoint Charles A. Hartzell and R. H. Hartzell, of Buffalo, as executors of this my last will and testament, and I direct that they shall serve jointly and severally.

Fifth—I nominate and appoint as executors of this my last will and testament, Augustus B. Kellogg, George H. Dunston and George C. Miller, of Buffalo, N. Y., and I direct that they shall serve jointly and severally.

Sixth—I authorize and empower my said executors to sell, convey, lease, mortgage, or otherwise dispose of my real and personal estate in such manner and for such sums as to them, in their discretion, shall seem best and most expedient for the payment of my just debts and the carrying out of the provisions of this will.

Seventh—I hereby make my last will and testament, and I declare that I am of sound mind and memory, and I am not under any duress, coercion or undue influence.

Witness my hand and the seal of this my last will and testament, this 13th day of March, 1903.

EDWIN L. BURDICK.

The above instrument was signed, published and declared by Edwin L. Burdick, the person named therein as testator, in the presence of us, who at his request and in his presence and in the presence of each other, and of our names hereto as witnesses, and written out by me, the undersigned, and we have signed our names to this will and testament.

CHARLES A. HARTZELL, R. H. HARTZELL, AUGUSTUS B. KELLOGG, GEORGE H. DUNSTON, GEORGE C. MILLER.

759 Bird Street, Buffalo, N. Y.

243 Jersey Street, Buffalo, N. Y.

The funeral of Mr. and Mrs. Arthur R. Pennell was held at 2 o'clock yesterday afternoon from their late residence in Cleveland avenue.

Aside from close friends and relatives, the only persons present were thirty members of the Erie County Bar Association. After the brief service the caskets were sent to the railroad station for shipment to Brunswick, Me. The bearers were classmates of Mr. Pennell at Yale. They were Prof. Carlton L. Brownson, instructor in Greek in the College of the City of New York; Sanford E. Cobb of 41 Wall Street, New York; William E. Cornish of Cortland, N. Y.; George E. Hill of Bridgeport, Conn.; and Henry E. Dann and Thomas Penney of Buffalo.

The last card of the authorities investigating the Burdick murder, the final move that, according to District Attorney Marcus, will mean success or failure, will be played to-morrow. This last card will be the inquest. That it will be the inquest was suspected after the several days that the police failed to develop anything, even though the District Attorney no longer conducted examinations for them. But no admission that the inquest was to be the inquest was gained from any of the authorities until last evening, when the announcement was made that the inquest would be held at 10 o'clock to-morrow morning.

The police this morning went through the Elmwood district and served subpoenas upon the friends and acquaintances of Burdick. The news that the subpoenas were out spread rapidly, telephones were called into play, and in a comparatively short time only a few of the legal service were beyond the reach of the legal process.

It was asserted this morning that, as an indication of the rigidity with which the inquest would be conducted, arrangements had been made to examine each witness in a separate room, glassed off from every one who had been summoned in the case and who could be reached would be required to attend the inquest.

INQUEST BEGINS TO-DAY.

Mrs. Pennell and her husband and Mrs. Burdick among the witnesses summoned.

BUFFALO, March 13.—What the law calls an inquest and what the people understand as a formal inquiry will be started to-morrow morning in the Burdick murder case. It will be public, but the court room in the old police building can hold very few of the throng that is eager to be present.

Justice Murphy has advised the police to the right in keeping out a crowd because the building is a bit shaky and the court room is up the second floor.

District Attorney Cawthorne will conduct the examination of the witnesses, and Chief of Detectives Hartzell will have the witnesses ready to come in, one at a time. Those of the Burdick household who will be ready to take the stand are Mrs. Burdick, the widow; Mrs. Miller, her mother; and Maggie Murray and Katie Hartzell, the servants. The spectators may in some measure be kept out of the courtroom by the fact that the inquest will be held in the old police building, and that the witnesses will be taken to the stand by the police.

Mrs. Pennell will come Mrs. Burdick, who has been living in the inquest, and Mrs. Miller, who has been living in the inquest, and Mrs. Murray, who has been living in the inquest, and Mrs. Hartzell, who has been living in the inquest.

From the Burdick household there will be only three witnesses: Mrs. Burdick, Mrs. Miller, and Mrs. Murray. The other witnesses will be taken to the stand by the police.

Important witnesses will be Dr. William H. Hartzell, who was summoned by Mrs. Burdick.

THE OLD RELIABLE

ROYAL



BAKING POWDER

Absolutely Pure

THERE IS NO SUBSTITUTE

WHY THE BOYS LOVE "JACKY"

ON PRINCIPLE THAT MARY LOVES THE LAMB.

He Doesn't Love Them Alone, but He Loves His Horses, Susan and Toby, and Bob and Chief and Bluskin, and the Nickel-Plated Gal in the Front Room.

THE SUN told yesterday how a delegation of schoolboys went to the Jersey City fire headquarters to request the officials to rescind an order transferring Fireman "Jacky" Hayes from No. 3 Engine Company, and how the commissioners were too busy to listen to them. The boys went to add emphasis to a petition which they had presented several days before, over more than two hundred names. This petition was as follows:

"GENTLEMEN: We, the undersigned, children living near Engine House No. 3, respectfully request that you kindly restore John Hayes to his old position with No. 3 Engine. 'Jacky' Hayes is a friend of all children. We love him, and the old engine house doesn't seem the same without him."

"Jacky" Hayes is 60 years old and gray-haired, but he enters into the games and sports of children with boyish spirits. He spends a part of his salary making them happy and gets in return value received in the pleasure which he derives in looking on them.

"Jacky" has been in the Jersey City Fire Department for twenty-four years and has been an engineer all the time. He had served with several companies before he went to the Mercer street house in 1881 and has always had a clean record. Nobody seemed to be able to tell why he was shifted against his wishes to No. 7 up on the Heights, about three weeks ago. "For the good of the service," was all that the head of the fire department would say in response to the inquiries of his friends. Since the shift other influences beside the petition of the children have been brought to bear on the officials and they have consented to reconsider the transfer.

Ever since he entered the service "Jacky" has made it a practice to give the children who lived near his engine house an annual excursion. Last year he took thirty-four of the youngsters from the No. 3 district up to Bronx Park and when they got back to Jersey City stuffed them full of good things at the Montgomery Hotel. In other years he has taken them to Central Park, Coney Island and other places of interest. In this way, as he has gone from one engine house to another, he has made many friends, and the city, many of whom are now grown up.

"Jacky" was seen yesterday in his new quarters. He is not much over 5 feet tall, and might himself be taken for a big, strong lad were it not for his snow-white hair and mustache and mature features. He came to the city from England, and his English was very young. He has never married.

"Yes," said he, "I miss the young ones. I had got to know of them and play with them and spin tops and roll hoops and play patent-string-games and in the road in front of the house, and I had more fun than they did. Yes, yes, I miss them more than they'll miss me. But they haven't clean forgot me by a long shot. They were Billy Egan and Johnny Connelly and Ripper Short and Tex Ayres and a half a dozen of others walked 'way out here this afternoon and wanted me to promise them that I'd be back in the city on my next day off. I'm making lots of new friends up here, though, and I'll get along all right anyhow; but it's kind of hard, you know, to break loose in a way, specially after you've been fixed so long."

"Oh, yes, sure! I'm going to give the boys and girls up here a picnic in the spring. I'd like to know of them and play with them and spin tops and roll hoops and play patent-string-games and in the road in front of the house, and I had more fun than they did. Yes, yes, I miss them more than they'll miss me. But they haven't clean forgot me by a long shot. They were Billy Egan and Johnny Connelly and Ripper Short and Tex Ayres and a half a dozen of others walked 'way out here this afternoon and wanted me to promise them that I'd be back in the city on my next day off. I'm making lots of new friends up here, though, and I'll get along all right anyhow; but it's kind of hard, you know, to break loose in a way, specially after you've been fixed so long."

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BROOKS OUT, McCLUSKY IN.

GREENE, DEPOSES THE HEAD OF THE DETECTIVE BUREAU.

The Commissioner Says Brooks's Explanation of His Failure to Get the Gambling Houses Didn't Explain—Capt. Langan Not Disturbed as Yet.

Police Inspector Nicholas T. Brooks, who was made borough inspector and put at the head of the Detective Bureau on Jan. 3, was relieved of the command of the detective force yesterday. Inspector George W. McClusky was chosen to succeed him. McClusky commanded there once before but was removed by Deasy.

Brooks still remains borough inspector and Capt. Langan, who was in command under him at Manhattan headquarters, was not disturbed. Asked if Langan would go Gen. Greene would only say, "Wait and see."

Capt. Charles L. Albertson was made an acting inspector and sent to command the district in Harlem to which McClusky had been assigned.

The humbling of Brooks is due to failure to get evidence against gambling houses. When he was put in charge of the detectives Gen. Greene told him that he expected the Central Office men to get evidence against gambling houses. They didn't, and Gen. Greene's young Westerners did, so Brooks was called on to explain. Gen. Greene got a 2,000-word written report from the inspector on Thursday and yesterday he made this reply:

Inspector Nicholas T. Brooks, in charge of Detective Bureau.

Sir—Your report of March 12 has been carefully considered and shows complete failure on the part of the Detective Bureau under your charge to get evidence against the gambling houses of well-known criminals. Your explanation of the causes of this failure is not satisfactory. You will be relieved from the charge of the Detective Bureau. Respectfully,

GREENE, Police Commissioner.

In his report Inspector Brooks said that he was handicapped by a lack of men and that instead of having 400 at his disposal he really had but 203 and that fifty-five of them were required in Brooklyn. Those that he had he had to use in a variety of ways, and he had to assign to gambling cases. He adds that what men he did have for that purpose he had to get evidence because they were too well known.

According to his report, the inspector brought men over from Brooklyn to help in the work. But the girls' hopes were not fulfilled. She must go back to Bahia, where she came from, for our laws make her an undesirable immigrant.

The death of Belens has left her in no easy plight. Not only has she herself to look out for, but she has also the two little boys who were to have been her children after Belens had married her. Both boys and the children have been used to luxury. Their clothing and general appearance indicate that. But through the disappearance of a satchel, which the girl says Belens brought with him, and which contained a large sum of money, she is left practically penniless. She and the children are now living on such fare as the immigrants receive on Ellis Island, although they came here as first cabin passengers.

Before the disappearance of the satchel, Belens gave the girl \$250 out of it to pay any expenses she might incur while he was on Hoffman Island. But the girl declares she will not spend a cent of this on herself. All of it is to be spent on preparing the body of her lover for the journey back to Brazil, for she insists on taking with her when she returns. The authorities are now making every effort to find the satchel, but up to a late hour last night had not been able to get any trace of it.

The Van der Bosch girl begged to be allowed to go to Hoffman Island with Belens and nurse him. She was assured that he would have the best of care and that she would remain in the meantime at Ellis Island. Belens himself told the girl that he would take care of her and that she would be able to take him to Hoffman Island. The exact nature of his illness could be determined. They were afraid of yellow fever, as several cases have recently been reported from ports at which the Hevelius touched.

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Statement From Mr. W. H. Fearing.

I have sold to Messrs. Morten & Co., 44 Beaver St., my entire stock of wines and the goodwill of my business. My son, W. H. Fearing, Jr., goes to Messrs. Morten & Co. as Secretary of that Corporation. On his, as well as their and my own behalf, I earnestly beg my friends and customers to transfer to Messrs. Morten & Co. the business with which they have heretofore favored me.

WILLIAM H. FEARING.

ROMANCE THAT DEATH ENDED

SENDS A WOMAN BACK OVER SEA BEREAVED AND PENNILESS.

She Was a Rich Planter's Mistress and Her Husband Had Here to Marry Her—His Money Was Gone—Stolen Maybe.

The romance of Estela van der Bosch, the pretty Belgian girl who arrived here last Wednesday with Antonio Belens, a wealthy Brazilian planter, and the latter's son and nephew, both small boys, came to an end yesterday, when the authorities notified the girl that Belens had died in the morning on Hoffman Island. He was taken there on Wednesday from the Lamport & Holt steamer Hevelius, on which he and his companions came here.

He and his companions came here to get married and to spend the rest of their days in Bahia, Brazil, where they had lived most of their lives, the girl had been the mistress of the rich planter. She wanted to be his wife and Belens had agreed to marry her, and to begin life with her over again in a country where they were strangers. So here they were, the girl's hopes were not fulfilled. She must go back to Bahia, where she came from, for our laws make her an undesirable immigrant.

The death of Belens has left her in no easy plight. Not only has she herself to look out for, but she has also the two little boys who were to have been her children after Belens had married her. Both boys and the children have been used to luxury. Their clothing and general appearance indicate that. But through the disappearance of a satchel, which the girl says Belens brought with him, and which contained a large sum of money, she is left practically penniless. She and the children are now living on such fare as the immigrants receive on Ellis Island, although they came here as first cabin passengers.

Before the disappearance of the satchel, Belens gave the girl \$250 out of it to pay any expenses she might incur while he was on Hoffman Island. But the girl declares she will not spend a cent of this on herself. All of it is to be spent on preparing the body of her lover for the journey back to Brazil, for she insists on taking with her when she returns. The authorities are now making every effort to find the satchel, but up to a late hour last night had not been able to get any trace of it.

The Van der